

ANNEX II

STUDY ON THE NUMBERING OF APPLICATIONS FOR
INDUSTRIAL PROPERTY RIGHTS

Background

1. Application numbers are primarily used by industrial property offices (IPOs) which receive the applications in order to identify each application. They are also utilized by second offices and applicants when priority is claimed. Recently, the need for indicating exact application numbers is increasing as priority certificates are exchanged among the IPOs electronically, and access by the IPOs or the public to electronic dossier over the Internet, using systems such as EPOLINE by the European Patent Office, AIPN by the Japan Patent Office, or PAIR by the United States Patent and Trademark Office, is available. In this regard, WIPO Standards cover format and presentation for application numbers; however, formats actually employed by IPOs are still inconsistent, and this inconsistency poses some difficulties for other offices and the public as to the identification of application numbers.

2. At the ST.10/C Task Force meeting on January 28, 2004, during the fourth session of the SCIT/SDWG, the participants recognized the importance of examining an ideal format for application numbers as a second phase and concluded that the Task Force should make a proposal to the SDWG including the task relating to the revision of WIPO Standard ST.13 in the ST.10/C Task Force. With full support by every member in the ST.10/C Task Force's E-Forum, this proposal was forwarded to the SDWG. The SDWG, at its fifth session, unanimously approved this proposal.

3. In order to determine the next steps to be taken, the ST.10/C Task Force held a meeting on November 11, 2004, during the SCIT/SDWG/5. At this meeting the participants agreed that the Task Force Leader would prepare a proposal for a format for application numbers and circulate it among the Task Force members. This is a paper based on the agreement at the Task Force meeting; however, it is more like a discussion paper than a proposal.

4. In this paper, first, WIPO standards relating to application number formats are examined. Then, current numbering systems of IPOs are analyzed. Finally, basic proposals are presented based upon analysis of WIPO standards and current IPO practices.

Review of existing WIPO Standards relating to application number

(a) WIPO Standard ST.13 "Recommendation for the Numbering of Applications for Patents, SPCs, Industrial Designs and Layout-Designs of Integrated Circuits"

5. WIPO Standard ST.13, established in 1996, is a Standard on the numbering of applications for industrial property rights. This Standard covers not only patents but also wide variety of other industrial property rights including designs and layout-designs of integrated circuits.

6. Although it has been eight years since WIPO Standard ST.13 was last revised, only a few countries have application number systems fully consistent with this Standard. To be specific, only two countries, i.e., Azerbaijan and Republic of Moldova, out of 67 countries and organizations listed in the Appendix to WIPO Standard ST.10/C, have numbering systems in full conformity with WIPO Standard ST.13. Even if Belarus (no space between year and serial number) and Turkey (using slash instead of space between year and serial number) are counted, only four countries comply with the recommendation of WIPO Standard ST.13.

7. The outline of WIPO Standard ST.13 is as follows:

Overview

- The application number consists of a year designation and a serial number.
- The total number of alphanumeric characters should not exceed 12.

Year designation

- According to the Gregorian calendar.

Serial Number

- The number of digits is determined by each office.
- Fixed length with leading zeros.

Type of industrial property rights

- Use the following letter codes preceding the year designation:
 - “a” for applications for patents for inventions;
 - “v” for applications for plant patents;
 - “s” for applications for design patents;
 - “u” for utility model applications;
 - “c” for applications for SPCs;
 - “f” for industrial design applications;
 - “q” for industrial model applications having a numbering series different from the series for industrial design applications;
 - “t” for applications for layout-designs (topographies) of integrated circuits.
- In machine-readable records the letter codes might be entered as uppercase letters.
- Offices introducing parallel numbering series for different types of industrial property rights are recommended to use the letter codes listed above.

Separator

- Spaces only. Other characters such as a full stop, a comma, a slash, a hyphen, or a space cannot be used.

Control characters

- Do not form part of the application numbers.
- The rules set out in paragraph 10 of WIPO Standard ST.10/C should be followed.

Country code

- According to WIPO Standard ST.3.
- Does not form part of the application numbers.
- The code precedes the application number.

(b) WIPO Standard ST.10/C ‘Presentation of Bibliographic Data Components’

8. WIPO Standard ST.10/C is a Standard on the bibliographic data components of published patent data. This Standard, contrary to WIPO Standard ST.13, covers only patents and utility models.

9. Under WIPO Standard ST.10/C, the presentation of the application number should preferably be (a) exactly in the manner used by the country or organization, or (b) abbreviated to the minimum significant part. As to the latter manner, WIPO Standard ST.10/C provides as follows:

Year designation

- Four digits according to the Gregorian calendar (paragraph 7(f)).

Type of industrial property rights

- In the case of a utility model, the letter ‘‘U’’ inserted after the application number, separated by two blank spaces (paragraph 7(e)).

Order of components

- The sequence of characters should be left in its original order (paragraph 7(c)).
- The control character should be printed immediately after the application number (paragraph 10(b)).

Separator

- If the number contains a full stop, a comma, or perhaps a space, one or more of these characters or spaces may be omitted. One or more of these characters or spaces may be inserted for the sake of legibility (paragraph 7(a)).
- If the number contains a slash or a hyphen, these characters must be retained. A hyphen may be replaced by a slash (paragraph 7(b)).
- The control character should be separated therefrom by a full stop or by a hyphen (paragraph 10(b)).

Control characters

- The control character is not regarded as a significant part of the application number (paragraph 9).
- The control character should consist of a single numeral; letters should not be used (paragraph 10(a)).
- The control character should preferably be in a type font different from that used in the number to which it refers (paragraph 10(b)).

Country code

- Two-letter codes according to WIPO Standard ST.3 should be used (paragraph 8).

10. A comparison table of WIPO Standards ST.10/C and ST.13 is attached as Appendix 1 of Annex II to this document.

(c) Other WIPO Standards

11. WIPO Standards ST.6 “Recommendation for the Numbering of Published Patent Documents,” and ST.16 “Recommended Standard Code for the Identification of Different Kinds of Patent Documents”, have some provisions regarding presentation of types of industrial property rights.

Analysis of application number formats currently used by countries and organizations

(a) Material

12. The Appendix to WIPO Standard ST.10/C includes the formats of patent/utility model application numbers from 74 countries and organizations.

13. On the other hand, chapter 7.5.1. “Survey of Numbering Systems used, or intended to be used, by Industrial Property Offices with regard to Applications, Published Documents and Registered” of the WIPO Handbook contains the formats of application numbers for various industrial property rights from 54 countries and organizations.

14. The analysis in this paper is based on the data included in the Appendix to WIPO Standard ST.10/C due to the wide coverage, contents and recentness of the information provided by the said data.

(b) Year designation

15. Most (59 out of 74) countries/organizations include the year designation in their application numbers. In all cases where year designation is employed, the designation is according to Gregorian calendar. Although both two digits and four digits are almost equally employed by these countries/organizations, four digits seems to have become popular recently in order to comply with the year 2000. (As information in the Appendix is not necessarily the newest one, more countries are likely to adopt four digits.)

16. There are a few cases where year designations different from the actual year are employed (Brazil: in case of utility model application, the year designation is represented as decade minus 2, Turkmenistan: 1997 is represented as “07” (no explanation provided)).

(c) Serial number

17. The serial number is used in all countries/organizations listed in the Appendix and thus apparently constitutes an indispensable component of the application number.

18. The number of digits of the application number varies from country to country. The maximum number of digits is seven (Republic of Korea (first digit is also used for indication of the PCT application in the national phase), People’s Republic of China (not in the Appendix to ST.10/C), Canada, and Netherlands). Currently, no country/organization has an annual applications number that actually reaches seven digits; however, the standard on application numbers should be considered from a long-term point of view as the numbering system should be stable and not be changed frequently.

19. Some countries use the first digit of the application number for indicating the kind of application (Australia: 1: innovation patent, 2-7: standard patent, 9: provisional patent), especially PCT applications in the national phase (Spain, Japan, Republic of Korea, Philippines). Consideration should be given as to whether such practice would continue to be accepted, or other means, such as addition of a new type code, would be introduced.

(d) Type of industrial property right

20. More than half (39 out of 74) of countries/organizations include the type of industrial property rights in their application numbers. The type is indicated using alphabetic or numeric characters in most cases.

21. It is to be noted that most countries using non-Roman writing systems use numeric characters (e.g., Greece, Israel, Republic of Korea, People's Republic of China (not listed in the Appendix)) and some use their own non-Roman characters (e.g., Japan: Chinese characters (alphabetic indication is also attached), The former Yugoslav Republic of Macedonia: Cyrillic alphabet) in their application number formats. WIPO Standard ST.6 also allows for the use of only numeric (not alphabetic) characters to indicate all components including the type of industrial property right. In this regard, due consideration should be given before employing alphabetic characters to indicate the type of the industrial property right.

22. In several countries, indication of the type of industrial property right is included in other components of the application number. In the United States of America, for example, a series code is also used to indicate a design patent application or provisional patent application. As described above, some countries use the first digit of the application number for indication of type of industrial property right (especially, PCT application in the national phase).

23. Types of industrial property rights found in the Appendix to WIPO Standard ST.10/C but not defined in WIPO Standard ST.13 are as follows:

- Provisional patent applications: Australia*, United States of America**
- Innovation patent applications: Australia*
- PCT patent/utility model applications in the national phase: Germany, Spain*, Indonesia, Japan*, Republic of Korea*, Philippines*
- Utility models resulting from PCT applications: Germany
- Patents granted by EPO, filed in German: Germany
- Patents granted by EPO, filed in English or French: Germany
- Reexamination patent applications: United States of America**
- Preliminary patents: Uzbekistan
- Utility model certificates: Uzbekistan

* Included in serial number.

** Included in series code.

24. Consideration should be given as to whether each of the above types should be added or if there are other types (e.g., trademark application) to be added. As some of the above types are subordinate categories of other applications (e.g., "PCT patent application in the national

phase” is a subordinate category of patent application), the adoption of a hierarchical structure might be a possible solution.

(e) Other components

25. Other than basic components of application numbers shown above, i.e., year designation, serial number, and type of rights, many countries employ additional components as follows:

- Country code (3): Kenya, Lesotho, OAPI
- Code for place of filing (5): Argentina, EPO*, Indonesia, Italy, Mexico
- Check digit (6): Brazil, Switzerland, Germany, EPO, Spain, Sweden, (United Kingdom (not in the Appendix to WIPO Standard ST.10/C))
- Month of filing (2): Egypt, Ukraine
- Non-resident (1): Turkmenistan
- Series code (1): United States of America
- Examination division (1): Uzbekistan

* In case of EPO, place of filing includes multiple countries.

26. Besides basic components, WIPO Standard ST.13 permits only the check digit and country code as additional components of the application number but they do not form part of the application number.

27. According to the Appendix to WIPO Standard ST.10/C, all offices which indicate the country in their application number are intergovernmental organizations (EPO, OAPI) or members of intergovernmental organizations (Kenya and Lesotho: members of ARIPO). Consequently, both the country code and code for place of filing are considered to be used to establish uniqueness where there is an overlap in the number sequence between different regional offices within a country or an organization. In this regard, the code for place of filing, as well as the country code, should be treated as an additional component of the application number.

28. Other components shown in the Appendix are employed only in a few offices and are not as popular as the country code, code for place of filing, or check digit.

(f) Separator

29. Current practices of IPOs are inconsistent. Further consideration is needed.

(g) Other

30. Application numbers of Germany and Republic of Korea do not comply with WIPO Standard ST.13, but seem to follow WIPO Standard ST.6.

31. A breakdown table of application number formats collected from the Appendix to WIPO Standard ST.10/C is attached as Appendix 2 of Annex II to this document.

Prototype format

(a) Basic idea

32. As mentioned in the beginning of this paper, a harmonized format for application number has become increasingly important for both industrial property offices and the public. On the other hand, in order to achieve harmonization of the format, most offices have to change their numbering systems. The changes of formats of application numbers at IPOs may lead to some modification of internal procedures. Especially for those offices who have introduced electronic filing or a management system, such changes may cause additional time and cost.

33. Due consideration should be paid to strike a balance between these two contradicting aspects. In this regard, the Task Force should first present a basic idea on an ideal format, and then elaborate its idea taking into account comments from interested parties.

(b) Prototype format of application number

34. Based upon the above analysis of the existing WIPO standards and current practices at IPOs, the following format for application numbers can be a prototype for further discussion. The first draft of the prototype format was circulated among the Task Force members and comments from four members were submitted. This is a second revised draft based on those comments.

Options are shown in square brackets.

General

- The application number consists of [a code for the type of industrial property right,] a year designation and a serial number.
- [Code for the type of industrial property right,] code for place of filing and a control number can also be included in the application number.
- The total number of characters should not exceed [13] [14] [15] [16].

Issues to be considered:

- Is distinction between an application number and publication number (e.g., WIPO Standard ST. 6) needed? (Two members consider distinction is needed.)
- Whether one common format for presentation and for computer processing or two separate formats for these two cases should be adopted? (Two members prefer two separate formats.)
- Whether characters used in the application number should be limited to numeric as in WIPO Standard ST.6, or both alphabetic and numeric should be accepted? (One member prefers numeric.)
- Whether optional codes for internal use at each office, such as a code for domestic branches or the filing countries, should be adopted?
- Should PCT applications be covered by this Standard? If so, how?
- How many digits should the total number of characters be? (One member prefers the total number to be large enough to cover all expected needs, while another member prefers 14.)
- Sequence of elements.

Type of industrial property right

- [The code for the type of industrial property right forms an [indispensable] [optional] part of the application number.] [Offices introducing parallel numbering series for different types of industrial property rights are recommended to use a code for the type of industrial property right.]

Issues to be considered:

- Should the types of industrial property rights be mandatory or optional? (One member prefers “optional”.)
- Whether or not codes for types of industrial property rights other than those listed in WIPO Standard ST.13 (e.g., Trademark) should be added?
- Whether or not additional information (e.g., type of application such as PCT application in the national phase) should be included in codes for types of industrial property rights?
- Whether the 1-digit format in current WIPO Standard ST.13 should be maintained or the number of digits should be extended to two or more in order to accommodate complex types of industrial property rights in an organized manner? (Three members prefer 2-digit for the indication of hierarchy.) In the case that two digits are used, whether to use the first digit to define the type in a standardized manner and leave the use of the second digit to be determined by each office.
- Whether alphabetic characters as in WIPO Standard ST.13, numeric characters as in WIPO Standard ST.6 or alphanumeric characters should be used to present types of industrial property rights? (Three members prefer numeric characters, while another prefers alphanumeric.)

Year designation

- Year designation forms an indispensable part of the application number.
- According to the Gregorian calendar.
- Four digits.
- The code follows the type of industrial property right.

Serial number

- Serial number forms an indispensable part of the application number.
- Fixed length with leading zeros.
- Starts at “1” each year.
- The number of digits is determined by each office. The maximum number is [6] [7].
- Parallel numbering series, each starting at “1”, for different types of industrial property rights.
- The code follows the year designation.

Code for place of filing (including country code)

- Code for place of filing can be included in the application number as an optional part where there is an overlap in the number sequence between different regional offices within a country or an organization.
- According to WIPO Standard ST.3, in case of country code.
- Code for place of filing [is put between the year designation and the serial number] [precedes the application number].

Issues to be considered

- What type of indication, especially for territories not covered by WIPO Standard ST.3 should be employed?
How should possible confusion be avoided? (One member suggests WIPO Standard ST.3 codes for countries and two-digit numeric codes for territories not covered by WIPO Standard ST.3.)
- Where should the code for the place of filing be inserted? (One member prefers to insert between the year designation and the serial number.)
- Should the code for place of filing and control character be treated as a set?

Control character

- Control character forms an optional part of the application numbers.
- The rules set out in paragraph 10 of WIPO Standard ST.10/C should be followed.
- Control character should consist of a single numeral.
- Control character is put at the end of the application number.

Issues to be considered

- Should the control character not be a part of the computer readable form?

Separator

Issues to be considered

- Should separators be limited to one or several characters as in WIPO Standard ST.13, or various characters, such as a full stop, a comma, a slash, a hyphen, or a space, be accepted as in WIPO Standard ST.10/C? (One member prefers space only.)
- Should separator not be a part of the computer readable form? (One member supports this option.)

Further Steps to be taken

35. Following aspects should be considered when we further proceed with this work:

- Existing collections of formats for application numbers of IPOs are not exhaustive. Further collection of such information will help in examining an ideal format for application numbers.
- All related WIPO standards should be further examined in order to maintain compatibility as much as possible.
- Not only IPOs but also the private sector, such as applicants and commercial database providers, use application numbers. Their views should be taken into consideration.
- The current version of WIPO Standard ST.13 is not widely adopted by industrial property offices. The cause for this should be determined in order to expand the use of the format of application numbers. Some Task Force members raised the following as possible reasons:
 - An urgent and strict practical need for changing numbering systems is absent, especially after the latest revision of WIPO Standard ST.10/C in respect of priority data that alleviates the problem.
 - Industrial property offices have invested much effort and developed many

dependent systems, reports, databases, search systems, etc., that rely on their application numbers. It is to be expected that most offices would be reluctant to make the many changes needed to their systems. Training of their examiners, the public and others would require additional effort.

- The number format recommended by current WIPO Standard ST.13 parallels too closely with the WIPO Standard ST.6 publication number format and thus could lead to errors.

36. One member reported the reason why WIPO Standard ST.13 is not adopted at that office as follows:

- The letter-code for the type of application in line with WIPO Standard ST.13 was not adopted:
 - in order to avoid possible confusion with the country code, and
 - because it does not accommodate all types (e.g., trademarks).

37. Taking into account these views, the following steps should be followed:

Step 1 (completed):

Invite comments from the Task Force members by the end of April 2005, on the proposed prototype format, other parts of this paper, and why formats in line with WIPO Standard ST.13 are not adopted by IPOs, and collect information on the newest application formats of IPOs.

Step 2 (completed):

Taking into consideration the comments and information, revise a prototype format and submit it to the International Bureau by June 1, 2005, along with a progress report for discussion at the SCIT/SDWG/6 meeting in September 2005.

Step 3 (from SCIT/SDWG/6 to December 15, 2005):

Invite preliminary comments on Task Force proposals from SDWG members and collect updated information on application formats of IPOs by December 15, 2005. Encourage members to consult with user groups and reflect their views in the comments.

Step 4 (from early January 2006 to SCIT/SDWG/7):

Based on comments and information from SDWG members and further analysis of related WIPO standards and other presentation systems of application numbers (e.g., presentation systems of application number in commercial databases), further examine an ideal format aiming to submit a proposal at SCIT/SDWG/7, to be held later in 2006.

[Appendices follow]